GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:140
ANSWERED ON:26.02.2008
MISMANAGEMENT IN JAILS
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Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware that violation of human rights as well as labour mismanagement are on the increase in the various jails: and

(b) if so, the reasons therefor and details of jails alongwith the capacity and the number of prisoners lodged in the jails separately, gender-wise and State-wise?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI SRIPRAKASH JAISWAL)

(a) & b): "Prisons" is a state subject under List II of the Seventh Schedule to the Constitution of India and Prison Administration is primarily the responsibility of the respective State Governments. The data relating to human rights violation and labour mismanagement is not centrally maintained. However, with a view to supplement the efforts of the State Governments the following measures have been taken up by the Central Government :

(1) A scheme for Modernisation of Prisons is under implementation to increase the capacity in jails, reduce overcrowding and improve the sanitation and living condition of prisoners.

(2) The Code of Criminal Procedure, 1973 has been amended to enable an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence should be released on his personal bond with or without sureties. It also provides that in no case will an undertrial or prisoner be detained beyond the maximum period of imprisonment for which he can be convicted.

(3) In 2006, the Government of India introduced the system of plea bargaining with a view to reduce pendency of cases in trial courts and overcrowding in prisons.

(4) For disposal of long pending sessions and other cases, the Government of India has also set up 1562 Fast Track Court which have disposed off a total of 10.4 lakh cases out of 18.2 lakh cases transferred to them.

(5) The Government of India has prepared a Model Prison Manual and circulated it to all the State Governments/ Union Territories in December 2003 for their guidance. The manual aims at bringing in basic uniformity in the administration and management of prisons to ensure minimum standards in prisons.

The details of each jail are not maintained centrally. A statement indicating the State/Union Territory and gender wise capacity and population of inmates as on 31.12.2006 is at Annexure.